



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,015	06/14/2001	Roland Heidel	Q64511	5705

7590 04/07/2004

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER

KASENGE, CHARLES R

ART UNIT	PAPER NUMBER
----------	--------------

2125

DATE MAILED: 04/07/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,015

Applicant(s)

HEIDEL ET AL.

Examiner

Charles R Kasenge

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed January 1, 2004, have been fully considered but they are not persuasive. Although the Applicant disagrees, the Office asserts that Lee does disclose a distributed control system, comprising: system components having respective memories to store component-specific data (Fig. 4) that include spatial coordinates of respective positions of the system components (col. 5, lines 18-28); wherein the system components are configured to transmit the respective positions as the component-specific data to the configuration unit (col. 2, lines 43-65); and wherein the configuration unit is configured to assign and transmit unique physical addresses on the communications channel to the system components whose respective positions were previously received by the configuration unit as the component-specific data (col. 3, lines 58-65). The Office interprets the file server as the storing medium (Fig. 4, 400) for the spatial coordinates (col. 5, lines 18-28). The Office interprets Lee's file server as transmitting the spatial coordinates to another structure, or machine (Fig. 4). Finally, the Office interprets Lee as implicitly disclosing the transmission of unique physical addresses to the system components with the components communicating using TCP/IP (col. 3, lines 58-65).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

Art Unit: 2125

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 6-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. U.S. Patent 6,473,664. Referring to claims 1, 8, and 10, Lee discloses a distributed control system, comprising: system components having respective memories to store component-specific data (Fig. 4) that include spatial coordinates of respective positions of the system components (col. 5, lines 18-28); a configuration unit having an input device for at least one of inputting and generating a layout plan that includes at least information on the respective positions of the system components within the distributed control system (col. 10, lines 17-21 and col. 8, lines 11-18); and a communications channel, to which the system components and the configuration unit are connected to mutually exchange data (col. 2, lines 37-43); wherein the system components are configured to transmit the respective positions as the component-specific data to the configuration unit (col. 2, lines 43-65); and wherein the configuration unit is configured to assign and transmit unique physical addresses on the communications channel to the system components whose respective positions were previously received by the configuration unit as the component-specific data (col. 3, lines 58-65).

Referring to claims 2, 3, 4, 9, and 11, Lee discloses the distributed control system of claim 1, wherein the distributed control system is configured for implementation in an automation system (col. 2, lines 44-54). Lee discloses the distributed control system of claim 1, wherein the system components are selected from the group consisting of controllers (col. 6, lines 61-67), actual value sensors (col. 4, lines 30-41), and actuators. The Office interprets actuators as being inherent to an automated control system. Lee discloses the distributed control system of claim 1, wherein at least one of the system components comprises a device for

Art Unit: 2125

automatically determining the position of the at least one of the system components (col. 8 and 9, lines 64-67 and 1-6).

Referring to claims 6 and 7, Lee discloses the distributed control system of claim 1, wherein at least one the system components has a device for entering the position of the at least one of the components (col. 10, lines 17-21). Lee discloses the distributed control system of claim 1, wherein the configuration unit comprises a generator of the layout plan, wherein the layout plan includes, in form of a piping and installation diagram (col. 2, lines 63-65), information on the respective positions of the system components (col. 8 and 9, lines 64-67 and 1-6).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. as applied to claim 4 above, and further in view of Monson et al. U.S. Patent 5751576. Lee does not expressly disclose the device comprising a GPS receiver. However, Monsoon discloses a distributed control system, wherein the device comprises a GPS receiver (col. 2, lines 54-61).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a GPS receiver for Lee's invention. One of ordinary skill in the art would

Art Unit: 2125

have been motivated to do this since the GPS allows for very accurate determination of component positions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kasenge whose telephone number is 703 305-8592. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 30, 2004
CK


ALBERT W. PALADINI
PRIMARY EXAMINER